

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application No. 1 of the City of Folsom to Construct At-Grade Crossing at New Placerville Road across the Sacramento-Placerville Transportation Corridor Joint Powers Authority in the Vicinity of Mile Post 116.6 in the City of Folsom, County of Sacramento, State of California.

Application 15-04-004
(Filed April 2, 2015)

**DECISION AUTHORIZING THE CITY OF FOLSOM TO
CONSTRUCT A NEW PUBLIC AT-GRADE HIGHWAY-RAIL
CROSSING OVER THE SACRAMENTO-PLACERVILLE TRANSPORTATION
CORRIDOR JOINT POWERS AUTHORITY TRACKS IN THE CITY OF
FOLSOM, COUNTY OF SACRAMENTO**

Summary

This decision grants the City of Folsom authorization to construct a new public at-grade highway-rail crossing over the tracks of the Sacramento-Placerville Transportation Corridor Joint Powers Authority in the City of Folsom, Sacramento County. The new crossing will be identified as New Placerville Road, California Public Utilities Commission Crossing Number 130AH-116.60 and United States Department of Transportation Number 968331N.

This proceeding is closed.

Discussion

The City of Folsom (City) proposes to construct a new public at-grade highway-rail crossing (crossing) over one set of tracks of the Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTCJPA) in the City, Sacramento County. New Placerville Road will be a two-lane, east-west

roadway that crosses the tracks at an approximate 90 degree angle. Rail service on this line consists of weekend Railroad Motorcar (speeder) excursions run by local railroad preservation organizations. The speeders generally carry four to six passengers and travel at an average speed of 10 – 15 miles per hour. Railroad operating rules require the speeder operators to yield right-of-way at all crossings, and only proceed when flagmen have controlled any on-coming vehicle traffic. The same operating rules will apply if Federal Railroad Administration (FRA) compliant trains operate on this corridor.

The City states that New Placerville Road will be a minor arterial over the SPTCJPA tracks and will serve a number of public needs, including circulation, access, and safety for all transportation modes.

The City shall include the following features in the construction of the proposed New Placerville Road crossing:

- Precast concrete crossing panel surface for the track;
- 50 feet wide, two-lane crossing;
- One six-foot wide and one five-foot wide Americans with Disabilities Act (ADA) compliant sidewalk equipped with ADA compliant detectable warning tactile strips on all approaches, located a minimum of 12 feet from the centerline of the nearest track;
- Two curb mounted California Public Utilities Commission (Commission/CPUC) Standard 9 (flashing light signal assembly with automatic gate arm) manually operated warning devices; and
- A California Manual on Uniform Traffic Control Devices (CA MUTCD) W10-1 “RXR” railroad advance warning sign in each approach direction.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (as amended, Public Resources Code Section 21000, et seq.) (CEQA) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, the City is the lead agency for this project under CEQA because it prepared the environmental documents, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. Further, the U.S. Army Corps of Engineers, Sacramento District is the Federal lead agency for the purposes of the National Environmental Protection Act.

As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³ Also, as a responsible agency, the Commission is

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.⁴

In June 2011, the City certified the joint Environmental Impact Report/Environmental Impact Study (EIR/EIS) for the Folsom Plan Area Specific Plan (FPASP). The FPASP is a specific plan for a mixed-use development and supporting on- and off-site roadways and infrastructure in the Folsom area. The New Placerville Road crossing is a part of the larger FPASP project.

The EIR/EIS reviewed and analyzed much of the infrastructure projects needed to provide services to the FPASP project at a programmatic level, while including additional detailed analysis for some impact areas (unrelated to the rail-crossing) where applicable.

In December 2014, the City issued an Initial Study/Mitigated Negative Declaration (IS/MND). The IS/MND tiered from the program-level environmental review of the EIR/EIS in conformance with Section 15152 of the CEQA Guidelines in order to identify and analyze the potential environmental impacts related to the construction of the South of Highway 50 Backbone Infrastructure Project aspect of the FPASP. This aspect of the overall FPASP project includes infrastructure improvements and connections crossing and north of the US 50 Highway, and provides additional information regarding the rail-crossing.

⁴ CEQA Guideline Section 15096(g).

The IS/MND determined that although the project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the applicant.

The City also certified a Statement of Overriding Considerations (SOC) in June 2011. The SOC found that the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures identified in the CEQA documents, the City's approval of the project will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with mitigation incorporation, and there are no other feasible mitigation measures or project alternatives that will further mitigate or avoid the remaining significant environmental impacts. The City also found that the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

Impacts identified under CEQA relating to the construction and implementation of the at-grade highway-rail crossing aspect of the project is within the scope of the Commission's jurisdiction. The EIR/EIS and the IS/MND did not identify any significant impacts associated with the rail-crossing aspect of this project. All of the significant impacts identified in the EIR/EIS and SOC were unrelated to the rail-crossing. The potential impacts identified in the IS/MND were all found to be less-than-significant. Any significant and unavoidable aspects of the project were not related to the rail-crossing but occurred due to other aspects of the larger FPASP.

The Commission reviewed and considered the City's EIR/EIS, IS/MND, and SOC as these documents relate to this at-grade highway rail crossing and finds these documents adequate for our decision-making purposes.

Filing Requirements and Staff Recommendations

This application is in compliance with the Commission's filing requirements including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch has inspected the site of the proposed crossing, reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject at-grade highway-rail crossing be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3355, dated April 9, 2015, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Elizaveta I. Malashenko is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 7, 2015.
2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct a new public at-grade highway-rail crossing over the tracks of the SPTCJPA in the City in Sacramento County. The new crossing will be identified as New Placerville Road, CPUC Crossing No. 130AH-116.60, United States Department of Transportation No. 968331N.
3. The City is the lead agency for this project under CEQA.
4. In June 2011, the City certified the EIR/EIS for the FPASP of which the New Placerville Road crossing is a part.
5. In December 2014, the City issued the IS/MND, which provides a more in-depth review and analysis for potential environmental impacts related to the construction of infrastructure projects that are a part of the larger FPASP. The IS/MND states that although the project could have a significant effect on the environment, there will not be significant effect in this case because revisions in the project have been made by or agreed to by the applicant.
6. In June 2011, the City adopted a Statement of Overriding Considerations, which found that the majority of the significant impacts of the project will be reduced to acceptable levels by mitigation measures, the City's approval of the project will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even, and there are no other feasible mitigation measures or project alternatives that will further mitigate or avoid these significant environmental impacts. The City found that the

economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

7. Impacts related to the construction and implementation of the at-grade highway-rail crossing aspect of the project are within the scope of the Commission's permitting process.

8. None of the environmental documents identified any significant impacts associated with the at-grade highway-rail crossing aspect of the project.

9. The proposed at-grade highway-rail crossing will preserve the City's goals for a safe, efficient transportation system as the Folsom Plan Area is developed.

Conclusions of Law

1. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR/EIS, IS/MND, and SOC.

2. Safety, traffic/transportation, noise, and other impacts that may be related to the at-grade highway-rail crossing are areas within the scope of the Commission's permitting process.

3. The EIR/EIS, IS/MND, and SOC are adequate for our decision-making purposes.

4. The EIR/EIS, IS/MND, and SOC were completed in compliance with CEQA.

5. The EIR/EIS, IS/MND, and SOC reflect the Commission's independent judgment and analysis.

6. The EIR/EIS and IS/MND did not identify any significant impacts relating to the at-grade highway-rail crossing aspect of the project.

7. The application is uncontested and a public hearing is not necessary.

8. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Folsom is authorized to construct a new public at-grade highway-rail crossing over the tracks of the Sacramento-Placerville Transportation Corridor Joint Powers Authority at milepost 116.60, in the City of Folsom in Sacramento County.
2. The new public New Placerville Road at-grade highway-rail crossing shall have the crossing treatments and configuration described above and specified in the City of Folsom's application and its attachments and addendum. The new public New Placerville Road at-grade highway-rail crossing shall be identified as California Public Utilities Commission Crossing Number 130AH-116.60 and United States Department of Transportation Number 968331N.
3. Sacramento-Placerville Transportation Corridor Joint Powers Authority shall ensure that Emergency Notification Systems Signs are installed to comply with Title 49, Code of Federal Regulation Section 234.309.
4. The City of Folsom shall notify the California Public Utilities Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch at least five (5) business days prior to opening the at-grade highway-rail crossing. Notification must be made to rceb@cpuc.ca.gov.
5. Within 30 days after completion of the work under this order, the City of Folsom shall notify the Rail Crossings and Engineering Branch in writing, by submitting a completed California Public Utilities Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at

<http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg>. This report may be submitted electronically to rceb@cpuc.ca.gov.

6. Within 30 days after completion of the work under this order, Sacramento-Placerville Transportation Corridor Joint Powers Authority shall notify the Federal Railroad Administration of the existence of the at-grade highway rail crossing by submitting a United States Department of Transportation CROSSING INVENTORY FORM, form FRA F6180.71. Concurrently Sacramento-Placerville Transportation Corridor Joint Powers Authority shall provide a copy of the inventory form to the California Public Utilities Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch. This copy of the form may be submitted electronically to rceb@cpuc.ca.gov.

7. The City of Folsom shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices.

8. The City of Folsom has three years to exercise the authority to construct the New Placerville Road highway-rail crossing, unless time is extended. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so requires.

9. A request for extension of the three-year authorization period must be submitted to the California Public Utilities Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

10. The application is granted as set forth above.

11. Application 15-04-004 is closed.

This order is effective today.

Dated _____, at Sacramento, California.